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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Pertti AIMONEN et al.

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Attention: Director of Technology
Center 2800

Group Art Unit: 2884

Application No.: 10/509,043

OFFICE OF PETITIONS

Examiner: D. MALEVIC

Filed: June 1, 2005

Docket No.: 121037

For: METHOD FOR DETERMINING THE SCALE OF AN OBSERVATION AREA

PETITION UNDER 37 C.F.R. §1.181
TO RESET PERIOD OF REPLY TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

According to the Patent Office PAIR database, an Office Action was mailed by the Patent Office on April 2, 2007 for the above-identified application. However, Applicants' undersigned representative hereby states that such Office Action was never received through the mail by the law firm of Oliff & Berridge, or by the Applicants or anyone else associated with the prosecution of this application.

On May 24, 2007, Applicants' representative checked the Patent Office PAIR database and discovered the existence of the April 2, 2007 Office Action. Applicants' undersigned representative also discovered that the April 2, 2007 Office Action was returned to the Patent Office on April 3, 2007. Because an image file wrapper of this application was available from the Patent Office, on May 24, 2007 Applicants' undersigned representative downloaded the April 2, 2007 Office Action and obtained copies of the references cited on the PTO-892

accompanying that Office Action. Accordingly, through Applicants' own efforts, Applicants obtained the April 2, 2007 Office Action on May 24, 2007.

Accordingly, Applicants request that the time period for replying to the outstanding Office Action be reset to start on May 24, 2007, i.e., the date that Applicants became aware of, and obtained by downloading from the PTO website, the April 2, 2007 Office Action.

Applicants' undersigned representative submits that Applicants have satisfied the requirements set forth in MPEP 710.06, which relates to the present situation. In particular, section I of MPEP 710.06 most closely relates to the present situation, although, as explained above, Applicants never received the Office Action through the mail, but rather obtained the Office Action from the image file wrapper available over PAIR. With respect to section I(A), this Petition is being filed within two weeks of the May 24, 2007 date of discovery of and receipt of the Office Action. With respect to section I(B), a substantial portion of the set reply period (i.e., almost half of the shortened statutory period for reply) had elapsed when Applicants received the Office Action. With respect to I(C), Applicants' undersigned representative has explained and set forth the date of receipt of the Office Action. Applicants cannot show any evidence regarding receipt of the Office Action that was mailed by the Patent Office, because Applicants still have not received the Office Action that was allegedly mailed. However, Applicants can show that that the April 2, 2007 Office Action was returned to the Patent Office.

In order to establish that the April 2, 2007 Office Action was not received by mail by Applicants' undersigned representative, attached hereto are three sheets related to the above-identified application. Sheet 1 is an outline of the image file wrapper for this application. The April 3, 2007 entry states that mail was returned to the Patent Office as undelivered. Sheet 2 was downloaded from the April 3, 2007 entry. The encircled portion labeled A on Sheet 2

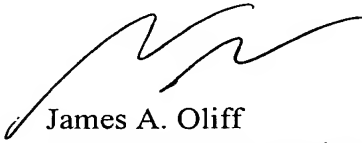
identifies the April 2, 2007 Office Action as received on April 3, 2007. Sheet 2 also includes the correct mailing address for Oliff & Berridge. As indicated by the encircled portion labeled C on Sheet 3, the April 2, 2007 Office Action was entered into Oliff & Berridge's computerized docketing system on May 24, 2007 at 12:11PM. In particular, the April 2, 2007 Office Action is indicated by encircled portion labeled B under the column "Event Date" as "2007-04-02." As can be seen under the column labeled "Date Changed" the date for that April 2, 2007 was changed on May 24, 2007 at 12:11PM. In addition, the letter "I" under the column labeled "Action" signifies that the particular action was initially ("I" stands for Initial Entry) entered on May 24, 2007.

Accordingly, the April 2, 2007 Office Action was not entered into Oliff & Berridge's computerized docketing system until the downloaded version was obtained on May 24, 2007 by Applicants' undersigned representative, and promptly given to the Oliff & Berridge docketing department. As the Oliff & Berridge docketing department immediately enters Patent Office communications when received (usually by mail from the Patent Office), the fact that the Office Action was not entered until May 24, 2007 further establishes that the Office Action allegedly mailed by the Patent Office on April 2, 2007 was never received by Oliff & Berridge.

Although it is believed that no fee is due, the Patent Office is authorized to charge Deposit Account No. 15-0461 for any fees deemed necessary to grant this Petition.

The appropriate Patent Office official is invited to contact Applicants' undersigned attorney at the telephone number listed below if there are any questions or if any additional information is desired.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Attachments:
3 Sheets

Date: June 1, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

10/509,043 Method for determining the scale of an observation area

05-24-
2007::11:19:26

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

	Document Description	Page Count
04-03-2007	Mail returned to USPTO as undelivered	8
04-02-2007	Search information including classification, databases and other search related notes	1
04-02-2007	Non-Final Rejection	5
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04-02-2007	List of References cited by applicant and considered by examiner	1
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01-20-2006	Request for Corrected Filing Receipt	4
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06-10-2005	Notice of DO/EO Acceptance Mailed	2
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05-31-2005	Miscellaneous Incoming Letter	2
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09-27-2004	Transmittal of New Application	2
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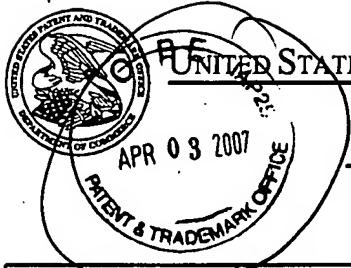
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SHEET 1

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,043	06/01/2005	Pertti Aimonen	121037	3236

25944 7590 04/02/2007
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

MALEVIC, DJURA

ART UNIT	PAPER NUMBER
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2884

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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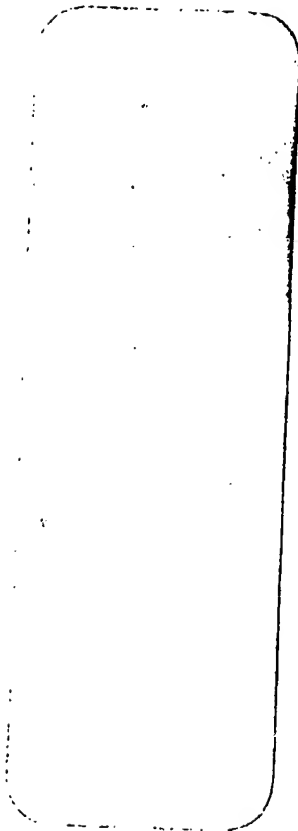
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Properties

File Options Window Report Forms Help

Basic Case Summary Timekeepers Assignee Inventors Other Details Related Cases Actions Official Nos Docket Note

Docket No: 121037 U.S. Patent - Properties
Application No: 10/509,043 Published

Created Actions	Cycle	Status	Criteria	Action
Filing	1	Published	160664	
Overview	1		-1069	
Examination/Prosecution	1		160590	
PTO Correspondence	1	Published	160565	
Additional PTO Filings	1		-642263	

Refresh Police Filter

☐ All Events ☐ Show Ad-hocs ☐ Show All Event Details ☐ Display Event Cycles ☒ All ☐ Most Recent

Event	EventDate	Due	Next Police	Cycle	EventText	E
Miscellaneous (Exam)	11/11/2005			1	ASSIGNMENT	41
3 month Office Action mail date	4/2/2007			1		-1
3 month Office Action Due		7/2/2007		1		-1
3 month Office Action (1X)		8/2/2007		1		-1
3 month Office Action (2X)		9/2/2007		1		-1
Call Up 3 Month Office Action		9/25/2007	9/25/2007	1		12
3 month Office Action (3X) No Extension		10/2/2007		1		-1

Event History

Current Event

Event: 3 Month Office Action Mail Date Due Date: Created By Criteria: 160590
Event Number: -11330 Cycle: 1 Created By Action: EN
Event Date: 4/2/2007 Event Text:

Event	EventNo	Staff	Date Changed	Action	Cycle	EventDate	DueDate	Date
3 Month Of	-11330	CMTUL	2007-05-24-12:11:55.970000	U	1	2007-04-02-00:00:00.000000		
3 Month Of	-11330	CMTUL	2007-05-24-12:11:41.957000	U	1	2007-04-02-00:00:00.000000		

start 5 Microsoft Of... 3 Microsoft W... CPA Inprotech CASMAINT - Ca... Event History 3:41 PM

Sheet 3

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